

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

VERLIN RICHERT)	
Claimant)	
VS.)	
)	Docket No. 202,210
EXIDE CORPORATION)	
Respondent)	
AND)	
)	
ZURICH RISK ENTERPRISE MANAGEMENT)	
Insurance Carrier)	
AND)	
)	
KANSAS WORKERS COMPENSATION FUND)	

ORDER

Respondent appeals from an Award entered by Administrative Law Judge Bruce E. Moore on March 26, 1997. The Appeals Board heard oral argument on September 3, 1997.

APPEARANCES

Respondent and its insurance carrier appeared by and through their attorney, John W. Mize of Salina, Kansas. The Kansas Workers Compensation Fund appeared by and through its attorney, Jeffrey E. King of Salina, Kansas.

RECORD AND STIPULATIONS

The Appeals Board has reviewed and considered the record listed in the Award. The Appeals Board has also adopted the stipulations listed in the Award.

ISSUE

The sole issue on appeal is whether the Workers Compensation Fund is liable for all or any portion of the benefits paid claimant in this case.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments made by the parties, the Appeals Board concludes that the Award by the Administrative Law Judge should be affirmed. The Administrative Law Judge found that respondent failed to establish it had knowledge of a preexisting condition which constituted a handicap. This knowledge is a prerequisite to imposing liability on the Kansas Workers Compensation Fund. K.S.A. 44-567. The Appeals Board so finds for the reasons stated in the findings and conclusions stated in the Award by the Administrative Law Judge. Those findings of fact and conclusions of law are hereby adopted by the Appeals Board as its own.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Bruce E. Moore, dated March 26, 1997, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1997.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: John W. Mize, Salina, KS
Jeffrey E. King, Salina, KS
Bruce E. Moore, Administrative Law Judge
Philip S. Harness, Director